

**Carmel Advisory Board of Zoning Appeals  
Hearing Officer  
Monday, July 25, 2005**

The meeting was held at 5:40 p.m. in the Caucus Rooms of City Hall, Carmel, Indiana, on Monday, July 25, 2005. The Hearing Officer was Earlene Plavchak.

Department of Community Services staff member in attendance was Angelina Conn. Also present was John Molitor.

C. No reports

**D. Public Hearing:**

**1d. Little Farms Addition, Lots 31-33 (replat of)**

The applicant seeks development standards variances on 9 lots:

**Docket Nos. 05060021 V-a through 05060021 V-i Chapter 9.04.03.A – Building setback**

The site is located at the northwest corner of 104<sup>th</sup> Street and Ethel Street and is zoned R-3/Residence within the Home Place Overlay. Filed by Chris Badger of Badger Engineering.

Present for the petitioner: Chris Badger, requested a variance from 30 to 25 feet. This allows us to have a larger backyard of 20+ feet for each of the duplexes. We do know now that they will be duplexes which was a question when they were first brought in. Everything now will be 25' front yard and 20' back yard and the major change in the design was the addition of an alley on the western portion of the property, in lieu of a cul-de-sac, which didn't really serve us well. It made the lots very irregular and didn't provide any better ingress or egress for fire vehicles which was a concern. This was sold to R. G. Thomas Consulting and they are currently developing the property.

Ms. Plavchak had some questions about the drive and alley. Mr. Badger explained they would be adding a drive as well as the alley and indicated on the plans where it would stop. There will be a Type C buffer. The lot coverages had exceeded 25% and some issues with getting in the buffer along the north and along the west.

Members of the public were invited to speak.

Mr. Edward L. Pipkin, 954 E. 108<sup>th</sup> Street, Home Place, Indiana. Today I looked at the plans and found this to be a worthy project. In the last twenty-seven years, I can't remember anything of note on these properties. I'm concerned about two items, though. 1. I can't think of any improved alley in Clay Township and why are we starting now? The only function according to the map, it's just another

entrance and exit for the property and it's probably going to get just as much use as what the street is and I feel like that should be expanded into being a street. 2. The project is over a mile from any Carmel jurisdiction. It will have an Indianapolis address, Clay Regional Waste District, Indianapolis Water Service. Why is it going to be called Carmel Commons? I would recommend Home Place Commons or Pleasant Grove. The reason is, I call your attention to City Council Resolution 7-02-04-01. This document is known as the fiscal plan for the annexing of territories Ordinance C-264 Home Place and it says and I quote, "The City of Carmel proposes to annex Home Place area with the specific intent of preserving the identity and the historic Home Place area, providing and maintaining Home Place signage at major entrances and preserving the historic village character of the area through enforcement of the overlay zone provision and requirements." I would like the developer to abide by the resolution of the Carmel Council and its implied promises. The above is the thoughts of Edward L. Pipkin. I am not speaking for any group or organization to which I'm known to be associated with. I apologize. I have a family thing that I need to go to. Usually I stay for the whole thing whether it has anything to do with me or not. Thank you for your time.

In response to a question from Ms. Plavchak, Mr. Pipkin said he thought the alley should be a regular street and fully maintained as one. He expressed concern about the narrow width of the alleys.

Ms. Plavchak asked about the name concern also. Mr. Badger said he talked to the owner and he was not objectionable to changing it. It was decided that the name could be changed. Clay Commons was mentioned as a possibility.

The developer expressed concern about having to remove more trees if the alley were widened. The alley will have bumps at each end. They said they could request a "Do Not Enter" sign at 104<sup>th</sup> Street. Speed humps will be added. Mr. Pipkin suggested "Emergency Use Only" signage also. It was suggested they also have "No Parking" signs on the alley because of the proximity to the Monon Trail.

Matt Milam, 1443 Orchard Park North Drive, Indianapolis, IN 46280: stated he had concerns about the alley and the name of the project, both of which have been addressed to his satisfaction.

No members of the public appeared to speak in opposition.

The Public Hearing was closed.

Ms. Plavchak **APPROVED** docket Nos. **05060021 V-a through 05060021 V-I, Little Farms Addition, Lots 31-33 (replat of).**

**2d. Village of Mt. Carmel, Section 3, Lot 61**

The applicant seeks the following development standards variance:

**Docket No. 05060015 V ZO Chapter 6.04.03.B side yard setback**

The site is located at 101 E. Village Drive and is zoned S-2/Residence.

Filed by Thomas and Gina Buehner.

Present for the petitioner: Mr. Buehner: They want to put an addition on the house and to do that the way they want to do it, it takes it 4'8" over the building line. We are a corner lot, depending on who

you talk to from the City and where they want to measure from, we have anywhere from 76' to 110' to play with. It doesn't invade anyone's sight line, either along Village or along Park View even granting landscaping along the front of the addition because the house is cater corner to everybody else's setback. All the neighbors have already signed off to go ahead.

Ms. Plavchak asked for explanation of the site plan.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Ms. Plavchak **APPROVED Docket No. 05060015 V, 101 E. Village Drive.**

**3d. Fidelity Plaza: Equity Consultants**

The applicant seeks the following development standards variance:

**Docket No. 05070001 V ZO Chapter 25.07.02-11.B number of wall signs per building**

The site is located at 11350 N. Meridian and is zoned B-6/Business within the US 31 Overlay. Filed by Jim Leahy of Premier Sign Group.

Present for the Petitioner: Jim Leahy, offices at 8500 Keystone Crossing, Indianapolis, IN 46240, representing Equity Consultants. We are proposing a sign consistent with other signs currently installed on the wall facades located in the Fidelity Plaza Office Park. The packet in front of you indicates the signs currently existing. I would like to mention that a variance was issued on September 27, 2004, whereby Fifth Third Bank was granted a variance for a second wall sign in that same office complex. The proposed sign matches in style all the other signs currently existing there. The staff has indicated support. The site plan is marked incorrectly. It is actually the first building to the south.

Ms. Plavchak confirmed the proposed signage would match the other signage in color and style. She asked about the size. Mr. Leahy replied it is the same square footage as the one Fifth Third was allowed and within 10 square feet of [unintelligible] currently is using.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Ms. Plavchak **APPROVED Docket No. 05070001V, Fidelity Plaza: Equity Consultants.**

**4d. West Carmel Center, Block D, Lot 2**

The applicant seeks the following development standards variance:

**Docket No. 05070006 V ZO Chapter 25.07.01-04.1 off-premise ground sign**

The site is located at 10401 N. Michigan Road and is zoned B-3/Business within the US 421 Overlay. Filed by Bruce Maechtle of Poblocki Sign Company for Target Corporation.

Present for the petitioner: Mr. Maechtle, Poblocki Sign Company, 922 S. 70<sup>th</sup>, West Dallas, WI 53214 and Susan McClain, store manager. Mr. Maechtle: At one time there was a sign there which was permitted in 2000, a 40 square foot sign at 6' in height. was installed. We worked closely with the City of Carmel prior to the implementation of Section 25.07.06C, for legal non-conforming signs. We designed the sign to take into consideration the traffic along 421 and the location of the store in relation to 421. The store is over 400' from the highway. There was a need for a sign to be closer to 421 than the building itself in order to help decrease driver distraction. We chose the location where it was because there was a drive right there so they could exit promptly without creating a hazard right down the road. It's a controlled intersection.

The sign was installed back in 2000 on an easement that Target had with the developer with the property. Unfortunately, Fifth Third Bank might have taken it down. We're not sure who took it down. We don't have any facts at all. Premier Sign actually still has the sign.

Ms. Plavchak asked if they were just re-installing the removed sign. Affirmative. She then asked if there would be three signs on the property. Affirmative, but two are for Fifth Third Bank itself, and are on the building front and side.

Mr. Maechtle stated a letter from Fifth Third Bank had been sent to the Department which stated they were in agreement of the sign being re-installed. He said it was installed around June 2000 and about a month or two later it was taken down. They have spent considerable time "chasing it down".

Ms. Plavchak stated if it was approved back in 2000 she had no problem with it.

Mr. Maechtle said they would do some landscaping with bushes around the base. Currently there is just grass there.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Ms. Plavchak **APPROVED Docket No. 05070006 V, off premise ground sign, Target Corporation.**

A member of the public appeared with some issues on the Little Farms Addition. He was told it had been approved with some small changes. He expressed regret in missing the hearing. He disagreed with the setbacks requested.

Mr. Molitor told him he could appeal the decision before the full BZA by filing within fourteen days.

Meeting was adjourned at 6:10 p.m.

#### **E. Old Business**

There was no Old Business.

**F.     New Business**

There was no New Business.

**G.     Adjourn**

The meeting was adjourned at 6:10 p.m.

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Earlene Plavchak, Hearing Officer

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Angelina Conn, Planning Administrator